



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,200	01/23/2001	Peter Ernst Rieber	028622/0103	1983

7590 03/20/2002
Stephen A Bent
Foley & Lardner
Washington Harbour
3000 K Street NW Suite 500
Washington, DC 20007-5109

EXAMINER

EWOLDT, GERALD R

ART UNIT	PAPER NUMBER
----------	--------------

1644

DATE MAILED: 03/20/2002

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/700,200

Applicant(s)
Rieber

Examiner
G.R. Ewoldt

Art Unit
1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 23, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 and 53-57 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 1-47 and 53-57 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

DETAILED ACTION

1. Restriction to one of the following inventions is required under 35 U.S.C. § 121 and 372:

I. Claims 1-6, 8-11, 16-17, and 46, drawn to an antibody which reacts with DCs, a cell line, a method of preparing said antibody, and a vaccine comprising said antibody.

II. Claims 1-7 and 46, drawn to a bispecific antibody comprising which reacts with a)DCs and, b)a second epitope, and a vaccine comprising said antibody.

III. Claims 12 and 46-47, drawn to an antigen recognized by an antibody which reacts with DCs, a vaccine comprising said antigen, and an immunopotentiating composition comprising said antigen.

IV. Claims 13-15, drawn to a polynucleotide encoding an antibody which reacts with DCs.

V. Claims 12, 18-25, and 46-47, drawn to polypeptide comprising a)an antigen recognized by an antibody which reacts with DCs and b)an additional domain, and a vaccine comprising said polypeptide, and an immunopotentiating composition comprising said antigen.

VI. Claims 26-29, drawn to a polynucleotide encoding an antigen recognized by an antibody which reacts with DCs and a method of preparation of preparing the encoded antigen.

VII. Claim 30, drawn to a method of isolating or identifying DCs.

VIII. Claim 31, drawn to DCs.

IX. Claim 31, drawn to recombinant transfected DCs.

X. Claims 33 and 38-39, drawn to a method of preparing activated T cells.

XI. Claims 34-35, drawn to a method of identifying an antigen recognizable by T cells.

XII. Claims 36-37 and 40, drawn to a method of identifying T cell activating or suppressing compounds, and a method of preparing a pharmaceutical composition.

XIII. Claims 41-43 and 45, drawn to a kit.

XIV. Claim 44, drawn to a transgenic animal.

XV. Claim 53, drawn to a method of identifying molecules synthesized by DCs.

XVI. Claim 54, drawn to a method of propagating DCs.

XVII. Claims 55-56, drawn to a method of modifying DCs.

XVIII. Claim 57, drawn to a method of modulating the immune response by administering activated T cells.

XIX. Claim 57, drawn to a method of modulating the immune response by administering DCs.

XX. Claim 57, drawn to a method of modulating the immune response by administering an antibody that recognizes DCs.

2. The inventions listed do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

WO 93/04187 (1993) teaches a an antibody which reacts with an epitope on dendritic cells (DCs) but does not react with other peripheral blood mononuclear cells (see particularly page 2).

3. Accordingly, Groups I-XX are not so linked as to form a single general inventive concept and restriction is proper.

4. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

Serial No. 09/700,200
Art Unit 1644

4

5. Any inquiry concerning this communication from the examiner should be directed to Dr. Gerald Ewoldt whose telephone number is (703) 308-9805. The examiner can normally be reached Monday through Thursday from 7:30 am to 5:30 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (703) 308-3973.



G.R. Ewoldt, Ph.D.
Patent Examiner
Technology Center 1600
March 20, 2002